

RCS# 6700  
5/16/05  
3:35 PM

Atlanta City Council

Regular Session

05-O-0877

SETTLE WESLEY ARCH V COA \$95,000.00 FOR  
PROPERTY 595 HAROLD AVENUE  
FILE

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

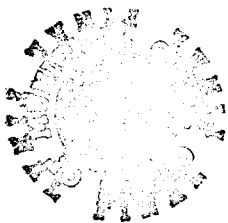
Y Smith  
Y Starnes  
Y Young  
Y Winslow

Y Archibong  
B Fauver  
Y Shook  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Sheperd

Y Mitchell  
Y Norwood  
Y Willis  
NV Borders

05-O-0877



**CITY COUNCIL  
ATLANTA, GEORGIA**

**AN ORDINANCE**

**BY: COUNCILMEMBER NATALYN ARCHIBONG**

**05-0-0877**

**AN ORDINANCE TO SETTLE THE CASE OF WESLEY ARCH, INC. V. CITY OF ATLANTA, GEORGIA; FULTON COUNTY SUPERIOR COURT CASE NUMBER 2003CV72720 BY REIMBURSING THE CONSERVATION FUND, INC. THE SUM OF \$95,000.00 FOR PROPERTY BOUGHT BY WESLEY ARCH, INC. FROM THE CITY OF ATLANTA KNOWN AS 595 HAROLD AVENUE, AND FOR OTHER PURPOSES**

**WHEREAS**, Wesley Arch, Inc. owned two lots on Harold Avenue located on either side of the un-built portion of the extension of Muriel Avenue and requested the abandonment of the un-built portion of Muriel Avenue; and

**WHEREAS**, this property was appraised as a buildable single family lot and re-platted by the City of Atlanta as 595 Harold Avenue in such a manner that could have indicated that it was a buildable lot prior to it being purchased by Wesley Arch, Inc; and

**WHEREAS**, Wesley Arch, Inc. contends that it relied upon the appraisals and the re-platting in believing that the property could be developed as a single family lot and that was the basis for it agreeing to pay the City of Atlanta \$95,000.00; and

**WHEREAS**, after the property was purchased Wesley Arch, Inc. applied to the Bureau of Buildings for a building permit but it was denied on the grounds that the abandoned property did not meet the street frontage and area required by the zoning of the district in which it was located; and

**WHEREAS**, Wesley Arch, Inc. filed a lawsuit contending that it relied in good faith on the City's agent stating the lot to be a buildable one; and

**WHEREAS**, the appraisal of the abandoned property was also based on the lot to be a buildable one and valued the lot's fair market value to be \$95,000.00; and

**WHEREAS**, Wesley Arch, Inc. has agreed to settle this claim by accepting \$95,000.00 which it paid to the City after relying on the information that the lot was a buildable one; and

**WHEREAS**, the Conservation Fund, Inc. has agreed to pay this amount on behalf of the City with the understanding that this amount will be refunded to it in full.

**NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA** as follows:

**SECTION 1.** That the sum of \$95,000.00 be reimbursed to the Conservation Fund, Inc. for paying Wesley Arch, Inc. in settlement of the purchase of 595 Harold Avenue from the City of Atlanta under questionable circumstances.

**SECTION 2:** That the 2005 (Trust Fund) Budget is amended hereby as follows:

**TRANSFER FROM APPROPRIATION**

3P02 M22F03349999

774001	Fac. Other than Buildings	<b>\$95,000.00</b>
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**TRANSFER TO APPROPRIATION**

1C50 7***** Y6F06**92BH	Harold Avenue., Greenspace District 5	<b>\$95,000.00</b>
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**SECTION 3.** That this refund is also contingent upon Wesley Arch, Inc. dismissing with prejudice the case of Wesley Arch, Inc. v. City of Atlanta, Georgia, Fulton County Superior Court Case Number 2003CV72720.

**SECTION 4.** That all ordinances or parts of ordinances in conflict with this ordinance shall be waived.

05-0877  
(Do Not Write Above This Line)

BY NATALYN ARCHIBONG

TO SETTLE THE CASE OF WESLEY ARCH, INC. V. CITY OF ATLANTA, GEORGIA; FULTON COUNTY SUPERIOR COURT CASE NUMBER 2003CV72720 BY THE REIMBURSING THE CONSERVATION FUND, INC. THE SUM OF \$95,000.00 FOR PROPERTY BOUGHT BY WESLEY ARCH, INC. FROM THE CITY OF ATLANTA KNOWN AS 595 HAROLD AVENUE; AND FOR OTHER PURPOSES.

FILED BY CITY COUNCIL MAY 16 2005

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 5/2/05  
Referred To: Public Safety  
Date Referred  
Referred To:  
Date Referred  
Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other

Members  
Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

MAY 16 2005

CERTIFIED  
MAY 16 2005  
Franklin D. Williams  
MAYOR

MAYOR'S ACTION